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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Confirmation No.: 3059
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Hyun-Wook CHO et al.	:	Group Art Unit: 2452
	:	
Serial No.: 10/584,239	:	Examiner: Chankong Dhom
	:	
Filed: June 26, 2006	:	Customer No.: 01609
	:	
For: METHOD OF STORING AND	:	
REPRODUCING CONTENTS	:	

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For their appeal to the Board of Patent Appeals and Interferences from the Examiner's decision rejecting finally claims 1-19 as set forth in the Notice of Panel Decision from Pre-Appeal Brief Review of January 17, 2012, Appellants submit the following brief in accordance with 37 C.F.R. § 41.37.

I. Real Party in Interest

The real party in interest in this application is assignee Samsung Electronics Co., Ltd. by assignment from the inventors filed on May 21, 2007. As part of Appellants' petition to withdraw a notice of abandonment for allegedly not responding to a Notice of Missing Parts, the earlier filed assignment was resubmitted on July 1, 2008. Appellants' petition to withdraw the notice of abandonment was granted on January 4, 2010, but

Office has not yet provided Appellants with a notice of recordation of assignment with recordation reel/frame number and date of recordation.

II. Related Appeals and Interferences

There are no related appeals and interferences for the present application.

III. Status of the Claims

Claims 1-19 are pending, stand finally rejected, and are subject of this appeal. Claims 1-19 are reproduced in the Appendix.

IV. Status of the Amendments

The claims reproduced in the Appendix reflect the claims as in Appellants' response, filed on October 24, 2011, to the final office action mailed on July 25, 2011.

V. Summary of Claimed Subject Matter

Embodiments of the present invention advantageously comprise, various methods for connecting to a contents sever (exemplified by step 211, Fig. 2A; page 6, lines 32-35), downloading contents from the contents server (exemplified by step 213, Fig. 2A; page 7, lines 1-5), and storing the downloaded contents along with terminal identification information of a first terminal by the first terminal (exemplified by step 215, Fig. 2A; page 7, lines 7-28); transmitting the contents with the terminal identification information to a second terminal by the first terminal (exemplified at page 5, lines 6-8); and comparing the terminal identification information attached to the contents with terminal identification information of the second terminal (exemplified by step 221, Fig. 2B; page 8, lines 4-10), and if the terminal identification information is identical, reproducing the contents by the second terminal (exemplified at page 8, lines 6-15).

Support for independent claim 1 can be found, for example, in the specification and drawings of this application as indicated in the following annotated version of claim 1:

1. A method of storing and reproducing contents, comprising the steps of:
connecting to a contents sever (exemplified by step 211, Fig. 2A; page 6, lines 32-35), downloading contents from the contents server (exemplified by step 213, Fig. 2A; page 7, lines 1-5), and storing the downloaded contents along with terminal identification information of a first terminal by the first terminal (exemplified by step 215, Fig. 2A; page 7, lines 7-28);
transmitting the contents with the terminal identification information to a second terminal by the first terminal (exemplified at page 5, lines 6-8); and
comparing the terminal identification information attached to the contents with terminal identification information of the second terminal (exemplified by step 221, Fig. 2B; page 8, lines 4-10), and if the terminal identification information is identical, reproducing the contents by the second terminal (exemplified at page 8, lines 6-15).

Support for independent claim 9 can be found, for example, in the specification and drawings of this application as indicated in the following annotated version of claim 9:

9. A method of storing contents in a terminal, comprising the steps of:
connecting to a contents server and downloading contents (exemplified by step 211, Fig. 2A; page 6, lines 32-35);
reading preliminarily stored terminal identification information (exemplified by step 221, Fig. 2B; page 8, lines 4-10); and
storing the downloaded contents together with the read terminal identification information (exemplified by step 215, Fig. 2A; page 7, lines 7-28).

Support for independent claim 13 can be found, for example, in the specification and drawings of this application as indicated in the following annotated version of claim 13:

13. A method of reproducing contents in a terminal, comprising the steps of:
checking terminal identification information attached to stored contents
(exemplified by step 221, Fig. 2B; page 8, lines 4-10);
comparing the terminal identification information attached to the contents with
terminal identification information of the terminal (exemplified by step 221, Fig. 2B; page
5, lines 33-37); and
reproducing the contents (exemplified at page 8, lines 12-15);
wherein the terminal identification information is attached to the contents with
terminal identification information of the terminal (exemplified by step 215, Fig. 2A; page
7, lines 7-28).

VI. Grounds of Rejection to be Reviewed on Appeal

The following issues are presented for review on appeal:

1. Whether claims 1-4, 9 and 13-17 are properly rejected under 35 U.S.C. §102(2) as allegedly being anticipated by U.S. Patent Pub. 2004/0107968 (hereinafter, Colvin).
2. Whether claims 5, 6, 18 and 19 are properly rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Colvin in view of U.S. Patent Pub. 2005/0004876 (hereinafter, Pou).
3. Whether claims 7 and 11 are properly rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Colvin in view of U.S. Patent Pub. 2002/0016846 (hereinafter, Ono).

4. Whether claims 8, 10 and 12 are properly rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Colvin in view of U.S. Patent Pub. 2003/0195851 (hereinafter, Ong).

VII. Argument

Rejection of claims 1-4, 9 and 13-17 under 35 U.S.C. § 102(e) as allegedly being anticipated by US. Pub. No. 2004/0107368 (hereinafter, Colvin)

Claim 1

The Examiner alleged that Colvin teaches a method of storing and reproducing contents, comprising connecting to a contents sever, downloading contents from the contents server, and storing the downloaded contents along with terminal identification information of a first terminal by the first terminal, and transmitting the contents with the terminal identification information to a second terminal by the first terminal. Appellants respectfully disagree.

In Colvin, before contents are downloaded to a first device, the user must supply personal registration information, such a user name and email address. In addition, information may automatically be accessed from the first device to procure machine or device registration information, such as MAC address, hardware ID, and IP. (See element 120 in Figure 2 of Colvin). The registration information, both personal and from the first device, is utilized by an authentication code generator to generate an authentication code (AC). The authentication code is then added to the content files that are stored in the first device. However, such authentication code is not unique, as explained above.

Claim 1 recites storing the downloaded contents along with terminal identification information of a first terminal. The terminal identification information is unique to each terminal (see page 3, first full paragraph of the present application, as filed) and does

not require incorporation therein of personal information or other device registration information such as MAC address, hardware ID, and IP, as in Colvin. Incorporation of such personal information will not result in a unique authentication code, as explained above. For the reasons above, the rejection of claim 1 should be reversed.

Claim 9

The Examiner alleged that Colvin teaches a method of storing contents in a terminal, comprising the steps of connecting to a contents server and downloading contents; reading preliminarily stored terminal identification information; and storing the downloaded contents together with the read terminal identification information. Appellants respectfully disagree.

As noted above, the terminal identification information is unique to each terminal. Claim 9 recites connecting to a contents server and downloading contents, reading preliminarily stored terminal identification information, and storing the downloaded contents together with the read terminal identification information.

In contrast, in Colvin, before contents are downloaded to a first device, the user must supply personal registration information, such a user name and email address. In addition, information may automatically be accessed from the first device to procure machine or device registration information, such as MAC address, hardware ID, and IP. (See 120 in Figure 2 of Colvin). The registration information, both personal and from the first device, is utilized by an authentication code generator to generate an authentication code (AC). The authentication code is then added to the content files that are stored in the first device. The authentication code of Colvin is not unique, and therefore, it is not equivalent to the claimed terminal identification information. For the reasons above, the rejection of claim 9 should be reversed.

Claim 13

The Examiner alleged that Colvin teaches a method of reproducing contents in a

terminal, comprising the steps of checking terminal identification information attached to stored contents, comparing the terminal identification information attached to the contents with terminal identification information of the terminal, and reproducing the contents, wherein the terminal identification information is attached to the contents with terminal identification information of the terminal. Appellants respectfully disagree.

As noted above, the terminal identification information is unique to each terminal. In contrast, in Colvin, before contents are downloaded to a first device, the user must supply personal registration information, such a user name and email address. In addition, information may automatically be accessed from the first device to procure machine or device registration information, such as MAC address, hardware ID, and IP. (See 120 in Figure 2 of Colvin). The registration information, both personal and from the first device, is utilized by an authentication code generator to generate an authentication code (AC). The authentication code is then added to the content files that are stored in the first device. The authentication code of Colvin is not unique, and therefore, it is not equivalent to the claimed terminal identification information. For the reasons above, the rejection of claim 13 should be reversed.

Claims 2-4 and 14-17

Claims 2-4 depend from claim 1 and claims 14-17 depend from claim 13. Since Colvin does not anticipate claims 1 or 13, therefore, the rejection of claims 2-4 and 14-17 should be reversed.

In addition, the Examiner inaccurately paraphrased Appellants' earlier comments on page 2 of the Advisory Action, item 11. It appears that the Examiner is not clear as to the following points of the claimed invention:

- (1) all terminals each have an unique terminal identification information;
- (2) contents downloaded from a server to a first terminal are stored "with terminal identification information of the first terminal";
- (3) it is possible to transmit such contents from one terminal to another, such that

“contents with terminal identification information of the first terminal” can be transmitted from the first terminal to a second terminal, and the second terminal compares its terminal identification information with that of the received “contents with terminal identification information of the first terminal” and if the terminal identification information are identical, the second terminal can reproduce the contents; and

(4) the Examiner stated: “Moreover...that if the terminal identification is identical, reproducing the contents by a second terminal “can **never** happen because the identification will never be identical...[Emphasis added]. In this regard, the Examiner has not considered a case in which the terminal identification information in the content from sending terminal matches that of receiving terminal, in which case, the content receiving terminal confirms that the content received from the content sending terminal originated from the receiving terminal, and thus the content receiving terminal is authorized to use the content.

Rejection of claims 5-8, 10-12, 18 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Colvin in view of U.S. Pub. No. 2005/0004873 (Pou), U.S. Pub. No. 2002/0016846 (Ono) or U.S. Pub. No. 2003/0195851 (Ong)

The Examiner acknowledged that Colvin does not disclose the elements specific to claims 5-8, 10-12, 18 and 19, and cited one of the secondary references above for the sole purpose of allegedly disclosing such elements. However, none of the secondary references (Pou, Ono or Ong) cure the deficiencies of Colvin, with regard to independent claims 1, 9 and 13 from which claims 5-8, 10-12, 18 and 19 depend. Therefore, the rejection of claims 5-8, 10-12, 18 and should be reversed.

Conclusion

The references cited by the Examiner fail to teach, disclose, suggest or predict the presently claimed subject matter. Accordingly, the Examiner's rejections should be reversed.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper to Deposit Account No. 18-2220, including the fee for filing a brief in support of an appeal.

Respectfully submitted,

Date: February 17, 2012

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VIII. Claims Appendix - Copy of Claims on Appeal

1. (Original) A method of storing and reproducing contents, comprising the steps of:

connecting to a contents sever, downloading contents from the contents server, and storing the downloaded contents along with terminal identification information of a first terminal by the first terminal;

transmitting the contents with the terminal identification information to a second terminal by the first terminal; and

comparing the terminal identification information attached to the contents with terminal identification information of the second terminal, and if the terminal identification information is identical, reproducing the contents by the second terminal.

2. (Original) The method of claim 1, further comprising the step of performing a non-reproduction operation on the contents by the second terminal, if the terminal identification information attached to the contents is different from the terminal identification information of the second terminal.

3. (Original) The method of claim 2, wherein the step of performing the non-reproduction operation comprises the step of deleting the contents.

4. (Original) The method of claim 2, wherein the step of performing the non-reproduction operation comprises the steps of:

connecting to the contents server and registering the contents to be reproduced; updating the terminal identification information attached to the contents with the terminal identification information of the second terminal, if the contents registration is completed; and

deleting the contents if the contents registration is not completed.

5. (Original) The method of claim 4, wherein the contents registering step

comprises the steps of:

connecting to the contents server, requesting registration of the contents to the contents server, and transmitting identification information of the contents to the contents server;

displaying charge information of the contents if the contents charge information is received from the contents server; and

notifying the contents server of purchase willingness, if purchase of the contents is requested by a predetermined manipulation.

6. (Original) The method of claim 5, further comprising the step of receiving an acknowledgement signal for the contents identification information and receiving an acknowledgement signal for the purchase willingness from the contents server.

7. (Original) The method of claim 1, wherein the contents downloading step comprises the steps of:

connecting to the contents sever, receiving a table of contents from the contents server, and displaying the table of contents; and

notifying the contents server of contents selected by a predetermined manipulation among the table of contents and downloading the selected contents from the contents server.

8. (Original) The method of any of claim 1 to claim 7, wherein the terminal identification information is filled in a header field of a format of the contents and includes an ESN (Electronic Serial Number) of the terminal.

9. (Original) A method of storing contents in a terminal, comprising the steps of: connecting to a contents server and downloading contents; reading preliminarily stored terminal identification information; and storing the downloaded contents together with the read terminal identification information.

10. (Original) The method of claim 9, wherein the terminal identification information is filled in a header field of a format for the contents.

11. (Original) The method of claim 9, wherein the contents downloading step comprises the steps of:

connecting to the contents sever, receiving a table of contents from the contents server, and displaying the table of contents; and

notifying the contents server of contents selected by a predetermined manipulation among the table of contents and downloading the selected contents from the contents server.

12. (Original) The method of claim 10 or claim 11, wherein the terminal identification information includes an ESN (Electronic Serial Number) of the terminal.

13. (Previously presented) A method of reproducing contents in a terminal, comprising the steps of:

checking terminal identification information attached to stored contents;

comparing the terminal identification information attached to the contents with terminal identification information of the terminal; and

reproducing the contents;

wherein the terminal identification information is attached to the contents with terminal identification information of the terminal.

14. (Original) The method of claim 13, further comprising the step of performing a non-reproduction operation on the contents, if the terminal identification information attached to the contents is different from the terminal identification information of the terminal.

15. (Original) The method of claim 14, wherein the step of performing the non-

reproduction operation comprises the step of deleting the contents.

16. (Original) The method of claim 14, wherein the step of performing the non-reproduction operation comprises the steps of:

connecting to the contents server and registering the contents to be reproduced;
and

updating the terminal identification information attached to the contents with the terminal identification information of the terminal, if the contents registration is completed.

17. (Original) The method of claim 16, further comprising the step of deleting the contents if the contents registration is not completed.

18. (Original) The method of claim 16 or claim 17, wherein the contents registering step comprises the steps of:

connecting to the contents server, requesting registration of the contents to the contents server, and transmitting identification information of the contents to the contents server;

displaying charge information of the contents if the contents charge information is received from the contents server; and

notifying the contents server of purchase willingness, if purchase of the contents is requested by a predetermined manipulation.

19. (Original) The method of claim 18, further comprising the step of receiving an acknowledgement signal for the contents identification information and receiving an acknowledgement signal for the purchase willingness from the contents server.

IX. Evidence Appendix

No evidence was submitted during prosecution pursuant to 37 CFR 1.130, 1.131, or 1.132, or by the Examiner and relied on by the Appellants.

X. Related Proceeding Appendix

There are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph 37 C.F.R. § 41.37(c)(1)(ii).